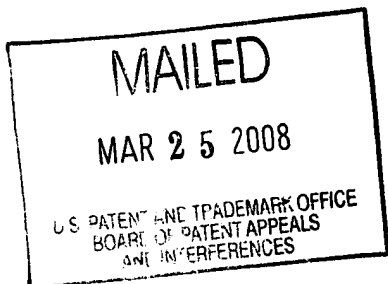


UNITED STATES PATENT AND TRADEMARK OFFICE



---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte KULVIR S. BHOGAL, NIZAM ISHMAEL, JR.  
and JAVID JAMEOSSANAIE

---

Application 09/881,873

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences on February 21, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The certified German translation of DE 1964892A and Japanese translation of JP 07066909A, listed under the Evidence Relied Upon section of the Examiner's Answer filed on August 23, 2007, are missing from the IFW file.

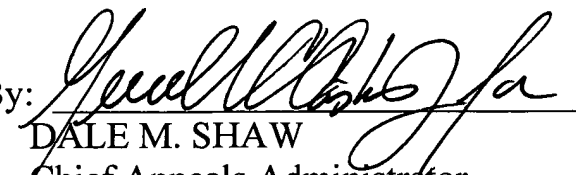
According to MPEP 1207.02:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner to have the certified English translations for the German and Japanese patents listed above, scanned into the record and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

DMS/gjh

FRANK C. NICHOLAS  
CARDINAL LAW GROUP, SUITE 2000  
1603 ORRINGTON AVENUE  
EVANSTON, IL 60201